

Adopted	Rejected
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COMMITTEE REPORT

YES:	22
NO:	0

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred Senate Bill 255, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning local
- 3 government.
- 4 Page 2, after line 17, begin a new paragraph and insert:
- 5 "SECTION 2. IC 36-7-11-4 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) A unit may
- 7 establish, by ordinance, a historic preservation commission with an
- 8 official name designated in the ordinance. The commission must have
- 9 not less than three (3) nor more than nine (9) voting members, as
- 10 designated by the ordinance. The voting members shall be appointed
- 11 by the executive of the unit, subject to the approval of the legislative
- 12 body. Voting members shall each serve for a term of three (3) years.
- 13 However, the terms of the original voting members may be for one (1)
- 14 year, two (2) years, or three (3) years in order for the terms to be

1 staggered, as provided by the ordinance. A vacancy shall be filled for
2 the duration of the term. **In the case of a commission with**
3 **jurisdiction in a city having a population of more than ninety**
4 **thousand (90,000) but less than one hundred ten thousand**
5 **(110,000) located in a county having a population of more than two**
6 **hundred thousand (200,000) but less than three hundred thousand**
7 **(300,000), the commission must after June 30, 2001, include as a**
8 **voting member the superintendent of the largest school**
9 **corporation in the city.**

10 (b) The ordinance may provide qualifications for members of the
11 commission, but members must be residents of the unit who are
12 interested in the preservation and development of historic areas. The
13 members of the commission should include professionals in the
14 disciplines of architectural history, planning, and other disciplines
15 related to historic preservation, to the extent that those professionals
16 are available in the community. The ordinance may also provide for the
17 appointment of advisory members that the legislative body considers
18 appropriate.

19 (c) The ordinance may:

20 (1) designate an officer or employee of the unit to act as
21 administrator;

22 (2) permit the commission to appoint an administrator who shall
23 serve without compensation except reasonable expenses incurred
24 in the performance of the administrator's duties; or

25 (3) provide that the commission act without the services of an
26 administrator.

27 (d) Members of the commission shall serve without compensation
28 except for reasonable expenses incurred in the performance of their
29 duties.

30 (e) The commission shall elect from its membership a chairman and
31 vice chairman, who shall serve for one (1) year and may be reelected.

32 (f) The commission shall adopt rules consistent with this chapter for
33 the transaction of its business. The rules must include the time and
34 place of regular meetings and a procedure for the calling of special
35 meetings. All meetings of the commission must be open to the public,
36 and a public record of the commission's resolutions, proceedings, and
37 actions must be kept. If the commission has an administrator, the
38 administrator shall act as the commission's secretary, otherwise, the

1 commission shall elect a secretary from its membership.

2 (g) The commission shall hold regular meetings, at least monthly,
3 except when it has no business pending.

4 (h) A decision of the commission is subject to judicial review under
5 IC 4-21.5-5 as if it was a decision of a state agency.

6 SECTION 3. IC 36-7-11-8.5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 8.5. (a) When
8 submitting a map to the legislative body under section 7 or 8 of this
9 chapter, the commission may declare one (1) or more buildings or
10 structures that are classified and designated as historic on the map to
11 be under interim protection.

12 (b) Not more than two (2) working days after declaring a building
13 or structure to be under interim protection under this section, the
14 commission shall, by personal delivery or first class mail, provide the
15 owner or occupant of the building or structure with a written notice of
16 the declaration. The written notice must:

- 17 (1) cite the authority of the commission to put the building or
- 18 structure under interim protection under this section;
- 19 (2) explain the effect of putting the building or structure under
- 20 interim protection; and
- 21 (3) indicate that the interim protection is temporary.

22 (c) A building or structure put under interim protection under
23 subsection (a) remains under interim protection until:

24 **(1) in a county other than a county described in subdivision**
25 **(2), the map is:**

- 26 ~~(1)~~ (A) submitted to; and
- 27 ~~(2)~~ (B) approved in an ordinance or rejected by;
- 28 the legislative body of the unit; **or**

29 **(2) in a county having a population of more than two hundred**
30 **thousand (200,000) but less than three hundred thousand**
31 **(300,000), the earlier of:**

- 32 **(A) thirty (30) days after the building or structure is**
- 33 **declared to be under interim protection; or**
- 34 **(B) the date the map is:**
 - 35 **(i) submitted to; and**
 - 36 **(ii) approved in an ordinance or rejected by;**
 - 37 **the legislative body of the unit.**

38 (d) While a building or structure is under interim protection under

1 this section:

2 (1) the building or structure may not be demolished or moved;
3 and

4 (2) the exterior appearance of the building or structure may not be
5 conspicuously changed by:

6 (A) addition;

7 (B) reconstruction; or

8 (C) alteration.

9 SECTION 4. IC 36-7-11-22 IS ADDED TO THE INDIANA CODE
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2001]: **Sec. 22. (a) This section applies only to a county having a
12 population of more than two hundred thousand (200,000) but less
13 than three hundred thousand (300,000).**

14 **(b) Notwithstanding any other provision, in the case of a
15 building or structure owned by a political subdivision that is
16 classified by a commission as historic and for which the
17 classification is approved by the legislative body of the unit that
18 established the commission, the commission may remove the
19 historic classification of the building or structure without the
20 adoption of an ordinance by the legislative body of the unit if the
21 commission determines that removal of the classification is in the
22 best interest of the unit and the political subdivision."**

23 Renumber all SECTIONS consecutively.

(Reference is to SB 255 as printed January 31, 2001.)

and when so amended that said bill do pass.

Representative Bauer